IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SEVENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION NO : 1818 of 2005

Between:

B.Anjaneya Hegde, S/o.B.Govinda Hegde,
R/o.2-2-3/238 (TRT 229) Vidyanagar Colony, Hyderabad-44.

..... PETITIONER

AND

1 The Commissioner, Municipal Corporation of Hyderabad
Tank Bund, Hyderabad.
2 Chief City Planner MCH Building, Tank Bund, Hyderabad.
3 The Deputy Commissioner MCH, Circle No.3, Abids, Hyderabad.
4 The Assistant City Planner MCH, Circle No.3,
Abids, Hyderabad.
5 Iqbal S/o.Not known,
D.No.2-2-3/273 (TRT 264), Vidyanagar Colony, Hyderabad-44.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, direction, order or orders, one in the nature of writ of mandamus, declaring the action of the respondents herein in not initiating action under Hyderabad Municipal Corporation Act 1955, on the petitioners complaint/representations/Telegrams Dt.17.1.2005 and 18.1.2005 and 22.1.2005 and 1.2.2005 as illegal, arbitrary, unreasonable, unconstitutional, high handed and violation of Article 14 of the Constitution of India and contrary to the provisions of Hyderabad Municipal Corporation Act 1955, and consequently direct the respondents 1 to 4 to take appropriate action under the provisions of Hyderabad Municipal Corporation Act 1955 and prevent the illegal construction made by the 5th respondent herein and pass such other order or orders as this Hon'ble Court may

deem fit and proper in the interest of justice and circumstances of the case, Else, I respectfully submit that I will suffer irreparable loss and great hardship.

Counsel for the Petitioner: MR.ATCHUTANANDA DONDETI

Counsel for the Respondent Nos.1 to 4: MR.RAMA RAO GHANTA

Counsel for the Respondent No.5 : --

The Court made the following:

ORDER:

The only grievance of the petitioner in this writ petition is that the fifth respondent herein has been proceeding with the unauthorized constructions without obtaining the necessary sanction from the respondent-Corporation and in spite of the fact that the petitioner made a representation on 01.02.2005 complaining about the said illegal constructions, the respondents 1 to 4 failed to take any action. Hence, this writ petition.

Having heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondents, without expressing any opinion with regard to the correctness of the allegations made by the petitioner, the writ petition is disposed of with a direction to the respondents 1 to 4 to consider the representation made by the petitioner on 01.02.2005, which is filed at page-11 of the material papers along with the writ petition, and to pass appropriate orders in accordance with law after affording due opportunity to the fifth respondent to rebut the allegations made by the petitioner within a period of four weeks from the date of receipt of this order. No costs.

_____

07.02.2005

Note: Issue CC in one week

(b/o)

VGB

To

1 The Commissioner, Municipal Corporation of Hyderabad
Tank Bund, Hyderabad.
2 Chief City Planner MCH Building, Tank Bund, Hyderabad.
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4 The Assistant City Planner MCH, Circle No.3,
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5 2CD copies.